

REMARKS

Thorough examination of the application is sincerely appreciated.

Claims are amended for non-statutory reasons solely to clarify the patentable subject matter and not in response to any objections or rejections asserted in the Office Action.

According to the Office Action, claims 1 – 5 are objected for the reasons stated in the Office Action. It is respectfully submitted that the examiner is mistaken in his objections. Claim 1 does not contain the limitation as alleged in the Office Action. In addition, there are no recitations of “An” in claims 2-5 as alleged in the Office Action. Withdrawal of the objection is requested.

According to the Office Action, claims 1-3 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 8 of the co-pending application 10/517,479. In response, the rejection is traversed. Claims 1 and 8 of the co-pending application 10/517,479 fail to recite, among other things, any entitlement information of the present claims. The invention of the co-pending application 10/517,479 is directed to a different object than the present invention. The examiner is respectfully requested to examine the objects of the invention in each corresponding application to realize that the claimed subject matter in each application is disparate and different from each other. Withdrawal of the objection is requested, as it is obviously in error.

Further according to the Office Action, claims 1, 2, 6 and 7 are rejected under 35 USC 102(b) as being anticipated by US Patent 6,178,242 (Tsuria). In response, the rejection is respectfully traversed as lacking the factual and legal basis.

Tsuria discloses transforming an ECM key into a TECM key, as acknowledged in the Office Action. Tsuria, however, fails to teach or suggest Applicant’s feature of “storing at least

two items of entitlement information” as recited in claim 1. Tsuria’s ECM and TECM keys are neither equivalent nor analogous to entitlement information. As known to those skilled in the art, the ECM stream contains control words/keys for decrypting the input information. In contrast, the EMM stream contains entitlement information which controls (entitles) the decoding of the ECM control word. The examiner is respectfully requested to review the present application for the difference between ECM and EMM. Hence, Tsuria’s ECM and TECM are inapplicable to Applicant’s recited entitlement information.

Furthermore, Tsuria fails to teach or suggest Applicant’s feature of “by selecting one of the items based on a content of the input message” as recited in claim 1 (emphasis added). Since Tsuria is silent on entitlement information items, as explained above, it logically follows that the patent is also silent on this feature of the present invention. Nowhere does Tsuria select an entitlement information item, and nowhere does Tsuria examine the content of the input message to decide on which entitlement information item to select.

According to the binding case law established by U.S. Court of Appeals for the Federal Circuit and its predecessor Court (as interpreted in Section 2131 of the MPEP), to anticipate a claim, the reference must teach each and every element of that claim. As discussed above, Tsuria is woefully deficient in teaching each and every element of Applicant’s claim 1. It is, therefore, respectfully submitted that independent claim 1 is not anticipated by Tsuria. Withdrawal of the rejection is respectfully requested, as it cannot be sustained legally.

Analysis of independent claim 7 is analogous to the one of claim 1, as presented hereinabove. To avoid repetition, claim 7 will not be discussed in detail with the understanding that it is patentable at least for the same reasons as claim 1. Applicant, therefore, respectfully requests withdrawal of the rejection and allowance of claim 7.

Claims 2 – 4 and 6 depend from independent claim 1, which has been shown to be allowable over the prior art reference. Accordingly, claims 2 – 4 and 6 are also allowable by virtue of their dependency, as well as the additional subject matter recited therein. Applicant submits that the reason for the rejection of claims 2 – 4 and 6 has been overcome and respectfully requests withdrawal of the rejection and allowance of the claims.

Claim 5 is canceled without prejudice, thereby obviating the rejection.

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

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